

Committee Report

CONSENT CALENDAR

February 10, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Health, Human Services and Elderly Affairs to which was referred HB 240,

AN ACT relative to identification of cannabis strain for therapeutic cannabis. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Gary Merchant

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Health, Human Services and Elderly Affairs
Bill Number:	HB 240
Title:	relative to identification of cannabis strain for therapeutic cannabis.
Date:	February 10, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-0237h

STATEMENT OF INTENT

Individuals who use cannabis therapeutically titrate the amount used to a particular strain. Strains of cannabis vary in their composition as does the amount needed therapeutically. When an individual uses a different strain, they need to titrate the amount to use. This bill requires an alternative treatment center to include the commercial stain name to assist individuals when purchasing cannabis to obtain an equivalent product, avoiding the need to adjust the dose. The amendment clarified that the label should use the commercial strain name's terminology and not the full name of the cannabis strain in the original bill.

Vote 21-0.

Rep. Gary Merchant
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Health, Human Services and Elderly Affairs

HB 240, relative to identification of cannabis strain for therapeutic cannabis. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Merchant for Health, Human Services and Elderly Affairs. Individuals who use cannabis therapeutically titrate the amount used to a particular strain. Strains of cannabis vary in their composition as does the amount needed therapeutically. When an individual uses a different strain, they need to titrate the amount to use. This bill requires an alternative treatment center to include the commercial stain name to assist individuals when purchasing cannabis to obtain an equivalent product, avoiding the need to adjust the dose. The amendment clarified that the label should use the commercial strain name's terminology and not the full name of the cannabis strain in the original bill. **Vote 21-0.**

Original: House Clerk

Cc: Committee Bill File

Rep. Knirk, Carr. 3
February 5, 2021
2021-0237h
10/08

Amendment to HB 240

1 Amend the bill by replacing section 1 with the following:

2

3 1 Use of Cannabis for Therapeutic Purposes; Labeling of Cannabis. Amend RSA 126-X:8, XVI(a)
4 to read as follows:

5 XVI.(a) All cannabis dispensed by an alternative treatment center shall include a label
6 specifying the ***commercial strain name of the cannabis, the*** weight of the cannabis, and any
7 other information the department requires to appear on the label. The label shall also specify that
8 the cannabis is for therapeutic use and that diversion is a class B felony requiring revocation of one's
9 registry identification card. ***An alternative treatment center may list the commercial strain***
10 ***names of the cannabis available to be dispensed on its public Internet website.***

Amendment to HB 240
- Page 2 -

2021-0237h

AMENDED ANALYSIS

This bill requires an alternative treatment center to list the commercial strain name of the cannabis on the label of the packaging and permits the alternative treatment center to list the commercial strain names of the cannabis available to be dispensed on its public Internet website.

Voting Sheets

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on HB 240

BILL TITLE: relative to identification of cannabis strain for therapeutic cannabis.

DATE: February 9, 2021

LOB ROOM: 306/308

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Knirk

Seconded by Rep. MacKay

AM Vote: 21-0

Amendment # 2021-0237h

Moved by Rep. Merchant

Seconded by Rep. Knirk

Vote: 21-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Beth Folsom, Clerk

**STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK**



1/22/2021 10:06:45 AM
Roll Call Committee Registers
Report

2021 SESSION

Health, Human Services and Elderly Affairs

Bill #: _____ **Motion:** Amendment **AM #:** 2021-0237h **Exec Session Date:** _____

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Pearson, Mark A. Chairman	21		
Marsh, William M. Vice Chairman	1		
McMahon, Charles E.	2		
Nelson, Bill G.	3		
Acton, Dennis F.	4		
Gay, Betty I.	5		
Cushman, Leah P.	6		
Folsom, Beth A. Clerk	7		
Kelsey, Niki	8		
King, Bill C.	9		
Kofalt, Jim	10		
Weber, Lucy M.	11		
MacKay, James R.	12		
Snow, Kendall A.	13		
Knirk, Jerry L.	14		
Salloway, Jeffrey C.	15		
Cannon, Gerri D.	16		
Nutter-Upham, Frances E.	17		
Schapiro, Joe	18		
Woods, Gary L.	19		

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



1/22/2021 10:06:45 AM
Roll Call Committee Registers
Report

2021 SESSION

Health, Human Services and Elderly Affairs

Bill #: _____ Motion: Amendment AM #: 2021-0237h Exec Session Date: _____

Merchant, Gary		20		
TOTAL VOTE:		21	0	0

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



1/22/2021 10:06:45 AM
Roll Call Committee Registers
Report

2021 SESSION

Health, Human Services and Elderly Affairs

Bill #: HB 240 Motion: OTPA AM #: 0237H Exec Session Date: _____

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Pearson, Mark A. Chairman	21		
Marsh, William M. Vice Chairman	1		
McMahon, Charles E.	2		
Nelson, Bill G.	3		
Acton, Dennis F.	4		
Gay, Betty I.	5		
Cushman, Leah P.	6		
Folsom, Beth A. Clerk	7		
Kelsey, Niki	8		
King, Bill C.	9		
Kofalt, Jim	10		
Weber, Lucy M.	11		
MacKay, James R.	12		
Snow, Kendall A.	13		
Knirk, Jerry L.	14		
Salloway, Jeffrey C.	15		
Cannon, Gerri D.	16		
Nutter-Upham, Frances E.	17		
Schapiro, Joe	18		
Woods, Gary L.	19		

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



1/22/2021 10:06:45 AM
Roll Call Committee Registers
Report

2021 SESSION

Health, Human Services and Elderly Affairs

Bill #:	HB 240	Motion:	OTPA	AM #:	0237H	Exec Session Date:	
Merchant, Gary					20		
TOTAL VOTE:					21	0	0

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7 other information the department requires to appear on the label. The label shall also specify that
8 the cannabis is for therapeutic use and that diversion is a class B felony requiring revocation of one's
9 registry identification card. ***An alternative treatment center may list the commercial strain***
10 ***names of the cannabis available to be dispensed on its public Internet website.***

2021-0237h

AMENDED ANALYSIS

This bill requires an alternative treatment center to list the commercial strain name of the cannabis on the label of the packaging and permits the alternative treatment center to list the commercial strain names of the cannabis available to be dispensed on its public Internet website.

UNAPPROVED

Hearing Minutes

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING on Bill # HB 240

BILL TITLE: An Act relative to identification of cannabis strain for therapeutic cannabis

DATE: 2/2/2021

ROOM: 206/8

Time Public Hearing Called to Order: 12:07 pm

Time Adjourned: 12:40 pm

Committee Members Present:

Remote from home:

Reps. M. Pearson, Marsh, McMahon, Nelson, Acton, Gay, Cushman, Folsom, Kelsey, King, Kofalt, Weber, MacKay, Snow, Knirk, Salloway, Cannon, Nutter-Upham, Schapiro, Woods, Merchant

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Representative Conley

- Correctly identified not just initials or alphabet soup
- Prevent confusion
- Full Name - botanical name, compounds - see Josephson
- "May" vs "Shall"
- THC - CBD

Tim Josephson - former Rep

- Care giver to 3 people
- There are botanical strains used for specific conditions
- Full names are the commonly used names associated with lineage. - Commercial Strain Name
- Original reason not to label is some of the names may attract children
- This would require a change in DHHS rules
- Leafly.com a good website to learn more.
- Prefers "Shall"

Helena Josephson - patient testimony, symptom management

Michael Holt DHHS

- referred to RSA which would change.
- ATCs want to add this labeling

Rep. Roger Dontonville

Personal testimony, confusion in labeling

Rep Knirk will provide an amendment to change wording to Commercial Strain Name

Respectfully submitted,

Rep. Beth Folsom, Clerk

House Remote Testify

Health, Human Services and Elderly Affairs Committee Testify List for Bill HB240 on 2021-02-02

Support: 12 Oppose: 0 Neutral: 2 Total to Testify: 4

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Josephson, Tim	timjosephson4nh@gmail.com	603.523.2023	A Member of the Public	Myself	Support	Yes (5m)	1/31/2021 10:19 AM
Josephson, Helina	helinahappy@gmail.com	603.523.2023	A Member of the Public	Myself	Support	Yes (5m)	2/2/2021 9:40 AM
Conley, Casey	caseymconley@gmail.com	207.232.1992	An Elected Official	Myself	Support	Yes (3m)	2/2/2021 9:30 AM
Dontonville, Roger	rdontonville@gmail.com	603.632.7719	An Elected Official	Myself	Support	Yes (2m)	2/1/2021 8:16 PM
Rathbun, Eric	ericrathbun@gmail.com	860.912.3751	A Member of the Public	Myself	Support	No	2/1/2021 10:30 PM
Arsenault, Heather	H.arsenault.licsw@gmail.com	603.391.2863	A Member of the Public	Myself	Support	No	2/2/2021 7:32 AM
Holt, Michael	michael.holt@dhhs.nh.gov	2719234	State Agency Staff	DHHS/TCP	Neutral	No	2/2/2021 9:06 AM
Inzer, Whit	winzerlicsw@myfairpoint.net	603.332.5222	A Member of the Public	Myself	Support	No	1/28/2021 3:59 PM
Gill, Nancy	Nancymgill@gmail.com	603.657.4467	A Member of the Public	Myself	Support	No	1/28/2021 8:22 PM
Corson, Kelley	Kacorson@yahoo.com	603.321.7305	A Member of the Public	Myself	Support	No	1/28/2021 9:53 PM
Jepson-Hebert, Judy	Judyjepsonhebert@hotmail.com	603.582.9072	A Member of the Public	Myself	Support	No	1/28/2021 10:32 PM
Colby, Liza	lizac5435@gmail.com	603.785.1126	A Member of the Public	Myself	Support	No	1/30/2021 5:25 PM
Chase, Wendy	wendy.chase@leg.state.nh.us	603.319.7259	An Elected Official	Myself	Support	No	1/31/2021 2:27 PM
Huse, Chris	christopher.huse@dos.nh.gov	603.234.1563	State Agency Staff	Dept of Safety	Neutral	No	2/1/2021 9:04 AM

Testimony

Thank you Mr Chairman and the members of the committee.

My name is Tim Josephson, former representative in the State House, and this was a bill that Representative Conley was kind enough to shepherd through for me this session. For the record, I am a card-carrying caregiver for therapeutic cannabis for 3 people -- my wife, my mother-in-law, and one more person -- a member of the House.

The bill seeks to allow the true name of cannabis strains to be printed on the labeling of medication at the dispensaries in New Hampshire. If you are not familiar with strain types of cannabis, it is an agricultural product and as such, has different lineages. You can think of it similarly to different varieties of apples -- Galas are different from Northern Spy different from Macintosh different from Granny Smith, etc etc. Cannabis strains also have a wide variety of differences between strains, but the effects are more pronounced than just being sweeter, tarter, or better for a pie. One website that may be of great use to you here would be Leafly.com -- it details all the different strains, and from their website is a little description about the differences in strains. "Marijuana strains are organized into three primary types: sativa, indica, and hybrid. Each type of strain has unique effects on both the mind and body. For example, sativa strains are uplifting and pair well with activities like social gatherings and being physically active. On the opposite end of the strain spectrum, indica strains are relaxing and can help amplify a deep level of physical sedation - making indica great for those times when you need deep sleep. Lastly, there are hybrid strains which fall between indicas and sativas. Hybrid strains offer a combination of both energizing and relaxing effects. Hybrid strains are great for the times when it's too late for an energizing sativa or too early for a sedating indica strain." (leafly.com)

And so while the NH rules permit the differentiation between Indica, Sativa, and Hybrid, it effectively stops there. You can have Sativa LH which is different from Sativa SC, each doing different things. Perhaps LH is good for appetite while SC is good for energy. The Hybrid category can be more confusing since some hybrids lean towards sativa and some lean towards indica, and just having initials can lead to mixups, as one hybrid might be what you need in the afternoon because it helps your chronic pain without too much energy late in the day, but not enough to make you sleepy.

I first became aware of this problem when my mother-in-law got her cannabis card. She shared with me the labeling system and its confusion of only allowing initials and not names, and so, with her getting up there in age and driving being an issue, I became a caregiver for her. While helping her navigate names and strains, it was definitely confusing with the different initials and I wondered, if this is confusing for me, what do you think it's like for the elderly and disabled patients who need their medication? It's confusing for people, there's no other way to say it. These folks are from a time when cannabis was fully illegal, and by having to use code it gives this legitimate medical product an air of illegitimacy or shadiness. She feels like she is still having to sneak around to ask me to pick up her medication when it would be much more legitimate and concise for her to say "I need some Northern Lights and Point Break." instead of saying "hey, I need some...stuff." Why is this medication being censored? We don't do this with

the medications we get in pill form. Can you imagine? Your pill bottles are now all blank, and Lipitor is LP, Prozac is PZ and Claritin is CL. Now fill up your medicine cabinet with bottles that just have initials on them, and try to sort it out. Many people take lots of different medications daily, and strains of cannabis are no different.

I spoke with the folks at the dispensaries and when I asked about the naming system, I was told that they were not allowed to put the actual names on the containers due to a rule at DHHS. This seemed ridiculous to me -- why would they not be able to say the actual name? I was told that it was because of the children and true labeling of strain names would be too tempting for them. Yes, there are strains named things like Girl Scout Cookies, Fruity Pebbles, and Bubblegum Kush, but these strains are named from the lineage of the plants that created each strain and as such, important to be aware of, especially for patients who are seeking to find specific strains to treat specific conditions. If someone needs a strain that helps with appetite, they should be able to tell that the strain comes from a line that treats that condition. The dispensaries did not come up with these names, these are heirloom varieties and some old names go back decades. Again, I stress -- this is a long-established system that other states have used just fine. There is no reason to censor ourselves among adults.

This information would be in plain font on a medical package similar to a pill bottle. It would not be in snazzy packaging, attractive labeling and colorful fonts. That is what we use in our liquor stores -- one quick look at the schnapps on the state liquor store website reveals names like 99 Bananas, Buttershots Burst, Hot Damn Cinnamon, and Luscious Pomegranate Pleasure. If we can label our liquor like THAT, why can't we label our medical packaging with a plain font? Kids are allowed in our liquor stores and can see the colorful packaging there and we are fine with it. Kids are not allowed inside of dispensaries -- only patients.

The therapeutic cannabis program has been in effect for several years now, and any fears that children would be swayed by a plain label on a medication container should be long-gone. Dispensaries have been helpful in producing a little strain guide with full names that you can get in person, but what happens when the patient loses that sheet? What happens when the dispensary gets new inventory? Clear labeling on packaging would help. In the initial consultation with a dispensary, patients are told about the requirements to secure their medications and to keep it away from children -- this is more, I might add, than what you are told when given any prescriptions from your doctor. Patients are very aware of the penalties for not taking care of their medication.

In conclusion, I ask that the committee hear the request of people for clarity on their medication. A well-informed patient can make the best decisions for their medical care, and we should not put up barriers to information. Thank you for your time, and I am happy to take any questions.

Bill as
Introduced

HB 240 - AS INTRODUCED

2021 SESSION

21-0056

04/10

HOUSE BILL **240**

AN ACT relative to identification of cannabis strain for therapeutic cannabis.

SPONSORS: Rep. Conley, Straf. 13; Rep. Dontonville, Graf. 10

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill requires an alternative treatment center to list the full name of the cannabis strain on the label of the packaging and permits the alternative treatment center to list the full name of the cannabis strains available to be dispensed on its public Internet website.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~in brackets and struck through.~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to identification of cannabis strain for therapeutic cannabis.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Use of Cannabis for Therapeutic Purposes; Labeling of Cannabis. Amend RSA 126-X:8, XVI(a)
2 to read as follows:

3 XVI.(a) All cannabis dispensed by an alternative treatment center shall include a label
4 specifying the ***full name of the cannabis strain, the*** weight of the cannabis, and any other
5 information the department requires to appear on the label. The label shall also specify that the
6 cannabis is for therapeutic use and that diversion is a class B felony requiring revocation of one's
7 registry identification card. ***An alternative treatment center may list the full name of the***
8 ***cannabis strains available to be dispensed on its public Internet website.***

9 2 Effective Date. This act shall take effect 60 days after its passage.